

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Maria C.,a minor, by and through her	:	CIVIL ACTION
parent and natural Guardian, Iris Nereida	:	
Camacho: and Iris Nereida Camacho on her	:	
own behalf,	:	
Plaintiffs	:	
	:	
vs.	:	NO. 02-civ-4336
	:	
School District of Philadelphia,	:	
	:	
Defendant	:	

PLAINTIFF APPELLANT' FRAP RULE 4 NOTICE OF APPEAL

I. Procedural Status

J. Fullum of the lower District Court, entered a final order in the matter on May 5, 2004, awarding Plaintiffs \$24,484, for the work of David Sambolin, Esq., in due process administrative hearings allowed under the Individuals with Disabilities Education Act (IDEA). On May 10th, 2004, Plaintiffs filed a Rule 54 (Federal Rules of Civil Procedure) Motion for a post judgement award of attorney's fees specifically for the cost of litigating the prevailing party status of Plaintiff under IDEA. On May 18th the Court Clerk entered a final judgement in the case. J. Fullum closed the case as of May 5th, 2004..

II. IssuesAppealed

The lower court's errors and omissions constitute reversible error by the court's:

1. Failing, without explanation or legal analysis, to award attorney's fees for more than half of the hours Plaintiffs attorney, David Sambolin, Esq., requested in his petition, including the hours expended in preparing the complaint necessary for the

court to determine whether or not Plaintiff was a “prevailing party” under IDEA and thus entitled to attorney’s fees.

2. Ignoring Plaintiff’s request for attorney’s fees for litigating the question of whether or not Plaintiff is the “prevailing party” as documented in the hours of Luis P. Diaz, Esq., both during the course of the litigation and through Plaintiff’s Rule 54 post judgement request for attorney’s fees.
3. Refusing to recognize Plaintiff’s procedural safeguards and substantive rights to properly present its case and argue the relevant facts and case law by not allowing Plaintiff to file a Motion for Summary Judgement, the traditional method used to determine whether a party is a “prevailing party” under IDEA.



Luis P. Diaz

Luis P. Diaz, Esq.

Date June 7, 2004

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